

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 913

IN THE MATTER OF:

Order of Investigation of)	Served January 24, 1969
Fares of D. C. Transit)	
System, Inc.)	Docket No. 194

On December 23, 1968, the Commission published Order No. 900, in which certain increases in fares were authorized for D. C. Transit System, Inc.

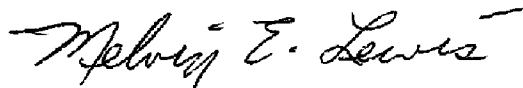
Article XII, Section 16, of the Compact provides that any person affected by an order of the Commission may "within thirty days after the publication thereof..."file an application for reconsideration. This statutory time period -- as is the case with the time period stated in Section 17 -- is mandatory and may not be waived or extended by the Commission. See Re Phillips Petroleum Co., Federal Power Commission, Nov. 25, 1960, 36 PUR 3d 447, at pp. 450-51; N.Y.P.S.C. v. F.P.C., 284 F. 2d 200 (1960). Thus, to be timely, any such pleading had to be filed on or before Wednesday, January 22, 1969. Failure to meet the directive of the statutory procedural rule is jurisdictional and requires dismissal. Dayton Power and Light Co. v. F.P.C., 251 F. 2d 875 (D.C. Cir.) (1958).

On Friday, January 24, 1969, the Commission received through the mail an application by Malaku J. Steen for reconsideration of said Order. The envelope indicated that the document was placed in the mail on Thursday, January 23, 1969.

The Commission is of the opinion and finds that the application for reconsideration must be dismissed, as it was not timely filed.

THEREFORE, IT IS ORDERED that the application of Malaku J. Steen for reconsideration of Order No. 900 be, and it is hereby, dismissed.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director

AVERY, Chairman, did not participate.